

DEFAULT

In Family Court Cases

3

**How to Get a (default) Court Order
When the Other Party Has Not Filed a
Response**

FORMS AND INSTRUCTIONS

SELF-SERVICE CENTER

HOW TO GET A DEFAULT COURT ORDER IN FAMILY COURT CASES

CHECKLIST

You may use this packet if . . .

- ✓ You have filed a summons and petition for one of the following:
 - Divorce
 - Legal Separation
 - Annulment*
 - To establish Paternity
 - To establish a first court order for Custody and/or Parenting Time (“visitation”) or Custody, Parenting Time and Support, AND
- ✓ The other party was served with the court papers;
- ✓ Proof of service has been filed with the Clerk of the Court, **AND**
- ✓ The other party has not filed a written response or answer within the time frame set by law. (Check the court file to be sure this is true.), **AND**
- ✓ You want to proceed to get a (default) court order.

* The Self-Service Center does not have papers for annulment.

READ ME: Consulting a lawyer before filing documents with the court may help prevent unexpected results. The Self-Service Center has a list of lawyers you may hire to advise you on handling your own case or to perform specific tasks, and a list of court-approved mediators as well. View the lists online at www.superiorcourt.maricopa.gov/SSC

SELF-SERVICE CENTER

DEFAULT

HOW TO GET A DEFAULT DECREE IN FAMILY COURT CASES

This packet contains court forms and instructions about how to apply for a default decree in family court cases. Items in **BOLD** are forms to fill out, copy, and file with the Court. Non-bold items are documents that are NOT filed with the Court. **Do NOT copy or file non-bold items.**

Order	File Number	Title	No. Pages
1	DRD6k	Checklist: <i>You may use these forms if . . .</i>	1
2	DRD6t	Table of Contents (this page)	1
3	DRD60p	Procedures: How to File an “Application and Affidavit of Default” and How to Get a Default Hearing	2
4	DRD61f	“Application and Affidavit of Default”	2
5	DRD62h	“Default Screening Checklist”	1
6	DRD66p	Attending your Default Hearing – What to do in the Courtroom	3
OPTIONAL: If your case does NOT involve minor children, you may ask to receive your default court order by mail without having to come to court for a hearing. Read the Procedures document below to determine if you qualify and how to apply.			
7	DRD68p	Procedures: How to Get a Default Decree <i>Without a Hearing (optional)</i>	2
8	DRD68f	“Motion and Affidavit for Default Decree Without Hearing”	2

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SELF-SERVICE CENTER

PROCEDURES: WHEN AND HOW TO FILE AN APPLICATION AND AFFIDAVIT FOR DEFAULT IN FAMILY COURT CASES

If the other party files a Response/Answer with the Court, YOU **CANNOT** GET A DEFAULT HEARING.

WHEN TO FILE THE APPLICATION FOR DEFAULT.

- After the other party has been served with the court papers, and
- the time allowed to file a response has expired, and
- the other party has not filed a response or answer with the court.

WHEN DOES THE TIME ALLOWED TO FILE A RESPONSE EXPIRE?

- 20 calendar days after the papers are served if served within the state of Arizona.
- 30 calendar days after the papers are served if served outside the state of Arizona.
- 60 calendar days after the papers are served if service was by publication (a legal notice ad).
Note that you cannot get a *default* order for child or spousal support if serving by publication.

STEP 1: COUNT. Look at the **Default Timetable** below to find the method of service you used and the number of calendar days to count before you can apply for a default hearing or order.

- **BEGIN COUNTING THE DAY AFTER THE OTHER PARTY WAS SERVED WITH THE PETITION.**
- **INCLUDE WEEKENDS AND HOLIDAYS** until you reach the number of days listed.
- If the last day for the other party to respond falls on a Saturday, Sunday, or legal holiday, do **NOT** count that day.

DEFAULT TIMETABLE

<u>SERVICE MADE IN ARIZONA</u>	<u>COUNT</u>	<u>EVENT</u>
Acceptance of Service	20 Days	after the other party signs the "Acceptance of Service"
Delivery with Signature Confirmation*	20 Days	after other party signs delivery confirmation*
Process Server	20 Days	after other party receives papers from a process server
Service by Sheriff	20 Days	after other party receives papers from Sheriff
<u>SERVICE MADE OUT OF STATE</u>		
Acceptance of Service out of State	30 Days	after the other party signs the "Acceptance of Service"
Process Server out of State	30 Days	after other party receives papers from a process server
Delivery with Signature Confirmation*	30 Days	after other party signs delivery confirmation*
Service by Sheriff	30 Days	after other party receives papers from Sheriff
Certified Mail out of State	30 Days	after other party signs a green return receipt card
<u>Publication</u>	60 Days	after 1 st publication

** available for Family Court matters only*

STEP 2: WAIT. Wait the number of days indicated above. If the other party did not file an **Answer/Response** with the Court within the time frame indicated, on the next day after the number of days indicated (**day 21, 31 or 61**), complete the **"Application and Affidavit for Default"**, file it and mail or deliver a copy to the other party as instructed below. **You must take this action for your case to proceed.**

STEP 3: SIGN. Go to a Deputy Clerk of the Superior Court or a Notary Public and sign the **"Application and Affidavit for Default."** Bring a photo ID with you and make sure you date the **"Application and Affidavit for Default"** with the date you are signing it. **Do NOT go to the Notary Public or Clerk or sign**

the ***“Application and Affidavit for Default”*** before the amount of time shown in the Default Timetable has passed.

STEP 4: COPY: Make **two** copies of your notarized ***“Application and Affidavit for Default”***.

FILE : File the original with the Clerk of the Court at any of these locations:

- **Central Court Building**, 201 West Jefferson Street, Phoenix, AZ 85003 (1st Floor);
- **Northwest Court Facility**, 14264 West Tierra Buena Lane, Surprise, AZ. 85374;
- **Southeast Court Facility**, 222 East Javelina Drive, Mesa AZ 85210; OR
- **Northeast Court Facility**, 18380 North 40th Street, Phoenix, AZ 85032.

Hand the original & both copies of the ***“Application and Affidavit for Default”*** to the Clerk at the filing counter. The Clerk will keep the original, date-stamp both sets of copies and return the copies to you. **Make sure both copies are stamped, AND**

MAIL: Mail or hand-deliver one of the date-stamped copies of the ***“Application and Affidavit for Default”*** to the other party on the same day you file the papers with the Clerk of the Court. Keep the other copy for your records.

No children involved?

Would you like to get your divorce or legal separation default decree *without* having to go to court? If you qualify, you may apply for Default *Without Hearing* to get your default divorce or other default court order by mail. See ***“Procedures: How to get a Default Decree Without Hearing”***, the next to last document in this packet, to determine if you qualify. **Otherwise, follow the steps below to schedule your default hearing.**

STEP 5: COUNT 10 DAYS. STARTING FROM THE DAY AFTER THE ***“APPLICATION AND AFFIDAVIT”*** WAS FILED, count **10 business days** (court business days, that is) before proceeding to **STEP 6**.

STEP 6: FILL OUT THE “DEFAULT SCREENING CHECKLIST” (the next document in this packet). If the ***Default Screening Checklist*** indicates you have met all requirements, proceed to **STEP 7**.

STEP 7: SCHEDULE YOUR HEARING BY CALLING 602-372-3332, or going online to <http://ecourt.maricopa.gov> and clicking **“Schedule Decree On Demand Hearing”** at right.

STEP 8: PREPARE FOR THE COURT HEARING:

- **GET YOUR PAPERS TOGETHER.** Read the instructions for the Court Order/Decree packet that applies to your case. Fill out the Order or Decree and **MAKE COPIES** as instructed. Bring all required court papers to your hearing. If you do not bring all required documents, your hearing will be rescheduled.
- **IF THE COURT PAPERS YOU FILED INCLUDE A REQUEST TO ESTABLISH CHILD SUPPORT AND/OR SPOUSAL MAINTENANCE (ALIMONY)**, and you do not already have a Temporary Order for either, **bring:**
 - **Gross Monthly Income Information** for both parties (If unknown, last-known income, income earning potential **or** minimum wage may be used to calculate child support.).
 - **Social Security Numbers, Employer Information** (name, address, and telephone number) for you **and** the other party.
 - **Information About Costs** for Children’s day care, medical insurance, special needs, etc..

STEP 9: READ “ATTENDING YOUR DEFAULT HEARING - WHAT TO DO IN COURT”

STEP 10: GO TO YOUR HEARING AT THE SCHEDULED DATE AND TIME.

All hearings are held in Downtown Phoenix at 201 West Jefferson Street, Phoenix, Arizona 85003. Check in on the 3rd Floor of the Central Court Building in the DEFAULT ROOM.

- DO NOT BRING CHILDREN TO COURT.
- EXPECT TO BE IN THE COURTHOUSE UP TO 4 HOURS OR MORE.
- Your paperwork will be checked and (if applicable) Child Support calculated before you enter the courtroom.

ARRIVE BEFORE THE TIME SCHEDULED FOR YOUR HEARING.

YOU CANNOT BE LATE. IF YOU ARE LATE OR YOU BRING CHILDREN, YOUR HEARING WILL BE RESCHEDULED TO A DIFFERENT DAY.

**THE RESPONDENT SHOULD NOT ATTEND THE DEFAULT HEARING
UNLESS HE OR SHE WISHES TO STOP THE DEFAULT.**

- IF THE RESPONDENT APPEARS AT THE DEFAULT HEARING, THE COURT WILL ASSUME HE OR SHE DISAGREES WITH SOMETHING IN YOUR PETITION NOW WANTS TO RESPOND, AND
- YOUR APPLICATION FOR A DEFAULT COURT ORDER WILL BE DISMISSED.

Name of Person Filing: _____
Your Address: _____
Your City, State, Zip code: _____
Your Telephone Number: _____
ATLAS Number (if applicable): _____
Representing ☐ Self (Without an Attorney) OR
Attorney for ☐ Petitioner OR ☐ Respondent

For Clerk's Use Only

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

(Name of Petitioner)

Case No. _____

APPLICATION AND AFFIDAVIT FOR DEFAULT IN FAMILY COURT CASES

(Name of Respondent)

NOTICE: THIS IS AN IMPORTANT COURT DOCUMENT. When this document is properly completed and filed, Default has been applied for and entered. The Default will be effective ten (10) working days after the filing of this completed document, unless the Respondent files an Answer/Response or otherwise defends before the ten working day period expires.

1. I am the Petitioner in this court case. I understand and make the following statements under oath or by affirmation. I give notice that I am requesting entry of default against the other party, the Respondent, because the Respondent has **not** filed an Answer/Response.
2. Service of the court papers on Respondent has been accomplished as follows: (check **ONLY** one box)
☐ The Respondent has signed an **"Acceptance of Service"** and has accepted service of the **"Summons,"** Complaint or Petition and other papers. The Respondent has **not** filed an **"Answer/Response"**, or otherwise appeared or defended in this court case. Default may be entered.

OR

☐ I have served the Respondent according to law with the **"Summons,"** Complaint or Petition and other papers. Respondent has **not** appeared, answered, responded or otherwise defended in the time required by law.
3. The Respondent is either **not** in the active military service of the United States or has otherwise waived his/her rights under the Service Members Civil Relief Act (formerly "Soldiers and Sailor's Civil Relief Act").
4. By completing the Certificate of Mailing (on the next page), I certify to the Court that I have mailed a copy of this **Application and Affidavit** to the Respondent at his or her last known address *even if that is my own address*) and if applicable, to his or her attorney as notice that I have applied for default.

CERTIFICATE OF MAILING

As required by Arizona Rules of Court (A.R.C.P. 55(a) and A.R.F.L.P. 44(A)).

On (date) _____ **20** _____, a copy of this ***Application and Affidavit for Default*** was mailed postage-prepaid to the Respondent* at his/her:

☐ current address, OR ☐ **last known** address** of:

(street and number, including the apartment number, city and state, and zip code)

* Mailing to current or last known address **must** be done even if last known address is ***your*** address and/or you ***know*** the Respondent is no longer at the last known address.

** Mail to "last known address" ***only if***:

1. Current address is unknown,
2. Notice was originally served by publication, **and**
3. Respondent is not represented by attorney.

☐ (If applicable)
I believe the Respondent whom I believe to be in default is represented by an attorney and have ***also*** mailed a copy of this ***Application and Affidavit for Default*** to that attorney.

OATH OR AFFIRMATION

I swear or affirm the contents of this document are true and correct under penalty of perjury.

Signature

Date

Affirmed before me this: _____

(Date)

by _____

Printed Name of Person Who Signed

My Commission Expires:
or Seal (below) : _____

Deputy Clerk or Notary Public

WARNING

1. If the Respondent fails to file a responsive pleading or otherwise defend in this action within **10 working days** after the filing of this Application, A DEFAULT JUDGMENT MAY BE ENTERED.
2. The Petitioner must still attend the default hearing at the court.
3. A DEFAULT HEARING WILL **NOT** BE SCHEDULED IF THIS APPLICATION AND AFFIDAVIT FOR DEFAULT IS MISSING INFORMATION OR NOT COMPLETED CORRECTLY.

Default Screening Checklist

**DO NOT
FILE THIS
DOCUMENT**

1. **Case Number:** _____

2. **Case Type**

- ☐ Dissolution ☐ Legal Separation ☐ Annulment
☐ Paternity ☐ Grandparents Visitation ☐ Other

3. **Does your case involve Children?**

☐ Yes ☐ No

If Yes,

What type of Custody is requested in the Petition?

☐ Joint or Shared ☐ Sole

Have you filed your Parent Information Program Certificate?

☐ Yes ☐ No

Has the Respondent filed their Parent Information Program Certificate?

☐ Yes ☐ No ☐ Not Sure

4. **Do you need an Interpreter?**

☐ Yes ☐ No

If Yes, what language and dialect? _____

5. **For Divorce, Legal Separation and Annulment matters only:**

Is Spousal Maintenance/Support being requested?

☐ Yes ☐ No

**Has at least 60 days passed since the respondent was served? (90 days after 1st publication if service was by publication),
If you answer no, you must wait until the time has passed.**

☐ Yes ☐ No

6. **For all cases) Has at least 10 working days passed since the Affidavit and Application for Default was filed?**

☐ Yes ☐ No

If you answer no, you must wait until the time has passed.

7. **Type of Service:**

☐ Acceptance ☐ In State ☐ Out of State

Date Acceptance was signed: _____

☐ Private Process Server/Sheriff ☐ In State ☐ Out of State

Date documents were served: _____

☐ Registered Mail or Delivery with Signature Confirmation

Date receipt was signed: _____

☐ Publication

Date of 1st publication: _____

8. **Date Application & Affidavit of Default was filed:**

9. **Date Application & Affidavit of Default was mailed:** _____

CALL 602-372-3332 TO SCHEDULE YOUR HEARING between 8 a.m. and 5 p.m., Monday-Friday.

- Have the completed **"Default Screening Checklist"** with you when you call.
- **The date and time for your court hearing will be given to you when you call.**
- **Write down your court date/time.**
- **YOU WILL NOT RECEIVE ANY OTHER NOTICE OF YOUR COURT DATE AND HEARING TIME.**

MY HEARING IS SET FOR THE FOLLOWING DATE AND TIME: _____

**DO NOT FILE
THIS
DOCUMENT**

ATTENDING YOUR DEFAULT HEARING: and WHAT TO DO IN THE COURTROOM

GET YOUR PAPERS TOGETHER. MAKE COPIES. The list below shows the documents and number of copies required for the various default hearings. If you do not bring all required documents, your hearing will be rescheduled to another day.

Dissolution/Legal Separation/Annulment

- ☐ Completed Decree of Dissolution, Legal Separation or Order of Annulment +2 copies

If you have requested Spousal Maintenance:

- ☐ Completed Current Employer or Other Payor Information and 2 copies

If your case involves minor children:

- ☐ Parent Information Program Certificate if it has not already been filed
- ☐ Signed Parenting Plan and 2 copies
- ☐ Completed Child Support Worksheet and 2 copies
- ☐ Completed Current Employer or Other Payor Information and 2 copies
- ☐ Wage information/pay stubs for both parties, and other financial information such as childcare costs, medical insurance premiums etc.
- ☐ Copy of any prior Court Order for Child Support or for Paternity.
- ☐ 9X12 envelope addressed to the other party with 4 standard current postage stamps.

Paternity

- ☐ Completed Order of Paternity and 2 copies
- ☐ Parent Information Program Certificate if it has not already been filed
- ☐ Signed Parenting Plan and 2 copies
- ☐ Completed Child Support Worksheet and 2 copies
- ☐ Completed Current Employer or Other Payor Information and 2 copies
- ☐ Wage information/pay stubs for both parties, and other financial information such as childcare costs, medical insurance premiums, etc.
- ☐ Copy of any prior Child Support Order
- ☐ 9X12 envelope addressed to the other party with 4 standard current postage stamps

Grandparent Visitation

- ☐ Completed Order for Grandparent Visitation and 2 copies
- ☐ Copy of any prior Paternity or Child Support Order that establishes your relationship to child

Custody, Parenting Time and Support Cases

- ☐ Completed final Court Order and 2 copies
- ☐ Parent Information Program Certificate if it has not already been filed
- ☐ Signed Parenting Plan and 2 copies
- ☐ Completed Child Support Worksheet and 2 copies
- ☐ Completed Current Employer or Other Payor Information and 2 copies
- ☐ Wage information/pay stubs for both parties, and other financial information such as child care costs, medical insurance premiums, etc.
- ☐ Copy of any prior Court Order establishing Paternity or Child Support
- ☐ 9X12 envelope addressed to the other party with 4 standard current postage stamps

I. THE DEFAULT HEARING: DO'S AND DON'TS

1. **BE ON TIME.**
2. **DO NOT BRING CHILDREN.**
3. **IF YOU ARE LATE OR BRING CHILDREN, YOUR HEARING WILL BE RESCHEDULED TO A DIFFERENT DAY.**
4. **EXPECT TO BE IN THE COURTHOUSE UP TO FOUR HOURS OR LONGER. PLAN YOUR CHILD CARE AND PARKING ACCORDINGLY.**
5. **DO NOT BRING FOOD OR DRINKS INTO THE COURTROOM.**
6. **DO NOT CHEW GUM IN THE COURTROOM.**
7. **REVIEW YOUR DECREE/ORDER/JUDGMENT.** Make sure your Decree/Order does not ask for anything different from what you asked for in your Petition / Complaint.
8. **DRESS APPROPRIATELY.** If it could be worn at a swimming pool or for playing basketball, it probably is not appropriate for court. Men should remove caps and hats in the courtroom.

II. AT THE HEARING: WHAT TO DO IN THE COURTROOM

1. **Be on time.** Wait quietly in the courtroom until your name is called.
2. **Children are not permitted in the courtroom.**
3. **Stand when your name is called** and walk toward the "bench" where the Judge is seated. Court staff will ask you to take an oath or to affirm that the information you are providing to the Court is true. You will raise your right hand and swear *or affirm* that the information you are providing is true. Lying in court, or **perjury**, is a serious crime.
4. **Sit in the witness chair** located next to the Judge.
5. **Call the Judge "Your Honor."**
6. **Do not reach** over the desk to take anything from the Judge or to hand anything directly to the Judge, unless the Judge first gives permission or asks you to do so.

III. BE PREPARED TO ANSWER THE JUDGE'S QUESTIONS, such as . . .

- What is your name and address?
- Is the relief you are asking for today the same as what you asked for in the Petition/Complaint? (Your answer should be "yes" because you cannot change anything from the Petition unless you have written consent from the other party and have filed the consent with the Court.)
- How did you serve the other party, and when was he or she served? (You should know what type of service was used: publication, service by the Sheriff, service by a registered process server, or acceptance of service.)

If you served the other party by publication, the Judge will ask:

- What steps did you use to try to find the other party?
- Whom did you talk to about how to find the other party?
- What was the last date you saw, received a letter or phone call from the other party?

Questions for Divorce / Legal Separation / Annulment Cases Only

- A. How long have you lived in Arizona? Did you or your spouse live in Arizona or was either of you a member of the Armed Forces and stationed in Arizona at least 90 days before the Petition was filed?
- B. What is the date of marriage and where were you married?

- C. Is your marriage irretrievably broken? Do you think your marriage can be reconciled? (This means: is there any reasonable chance that you can continue with the marriage?)
- D. Are you aware of Conciliation Services? (Conciliation Services is a service of the Court that provides free marital counseling.) If you were not aware of the services, the Judge may describe these services to you and send you to Conciliation Services.
- E. Do you want your former name restored? (Your former name will be restored, if you answer "yes" to this question.)
- F. What property and debts do you have from the marriage? (Describe your property and debts listed in your Petition and Decree.)
- G. How have you divided the property and debts? (Explain what you have asked for and put in the Decree.)
- H. Do you think the division of property and debts is fair?

<p align="center">Questions for Divorce / Legal Separation / Annulment and Paternity / Custody / Parenting Time and Support Cases</p>
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- A. The following questions may be asked if you have children:
 - 1. How many children do you have and what are their ages?
 - 2. Are you requesting custody of your minor children?
 - 3. What type of parenting time do you want the other party to have?
 - 4. Are there any expected problems with parenting time? (If you have requested supervised parenting time or no parenting time, you should be prepared to tell the judge why. For example, you should tell the judge if there has been domestic violence, child abuse, or if the other party has a drug or alcohol problem.)
 - 5. Do you think the portions of the Decree/Order/Judgment dealing with custody and parenting time are fair?
 - 6. Who will provide medical insurance for the minor children? (Generally, this should be the parent who has insurance available through his or her employer at the most affordable cost. If no insurance is available and the minor children are on AHCCCS, you can tell the judge this.)
 - 7. Can the other party pay child support?
 - 8. Is your spouse/other parent employed? How much does your spouse/other parent earn? (The amount he or she earns should be on the **"Parent's Worksheet for Child Support Amount"**.)

AFTER THE HEARING, IF THE JUDGE SIGNED YOUR DECREE/ORDER:

- 1. **Immediately mail a copy of the Court Order or Decree and all related documents that become part of it, to the other party** (such as custody agreement, parenting plan, etc.).
- 2. **If you have an Atlas Number, or if DES (DCSE) is involved in your case, mail a copy of the Completed "Parent's Worksheet for Child Support" to:**
 Child Support Enforcement
 Attn.: Attorney General Department
 P.O. Box 40458
 Phoenix, Arizona 85067

SELF-SERVICE CENTER

PROCEDURES FOR GETTING A DEFAULT DECREE WITHOUT A HEARING

IN FAMILY COURT CASES THAT DO NOT INVOLVE MINOR CHILDREN
Arizona Rules of Family Law Procedure 44(B)1(b)

REQUIREMENTS

Sometimes a court hearing is not required to get a default decree. This procedure may be used if you meet the following requirements:

- ✓ Husband and wife **both must** be legally competent or sane.
- ✓ There are **no** minor children, common to the parties, born before or during the marriage **or** adopted by the parties during the marriage.
- ✓ Wife is **not** pregnant with husband's child.
- ✓ Neither husband or wife is making a claim for spousal maintenance/support (alimony).

YOU CANNOT USE THIS PROCEDURE IF ...

- the responding party was served by publication,
- if the other party is insane or incompetent, or
- if the other party has filed a response.

For a list of requirements, read the *"Motion and Affidavit for a Default Without a Hearing"*.

PROCEDURES

1. BEFORE YOU REQUEST A DEFAULT DECREE WITHOUT A HEARING, CHECK TO BE SURE THAT YOU HAVE:

- Properly served the other party, and filed an *"Affidavit of Service"* or the *"Notice and Request to Accept Service"* and the *"Acceptance of Service."* (Service cannot be done by publication), **AND**
- Completed and filed the *"Application and Affidavit for Entry of Default,"* and mailed a copy to the other party; **AND**
- Waited at least **60 days after** the date service was complete to sign the *"Motion and Affidavit for Default Decree Without a Hearing."*

2. COMPLETE the *"Motion and Affidavit for Default Decree Without a Hearing."*

- File the original *"Motion and Affidavit for Default Decree without a Hearing"* with the Clerk of the Court.

3. Hand-deliver or mail the following documents as indicated below:

- **1 copy** of the filed *"Motion and Affidavit for Default Decree Without a Hearing"*
- The **original** and **2 copies** of the *"Decree"* for signature by the Judge;
- **Two (2) 9" x 12" envelopes, with sufficient postage**, one addressed to you, and one addressed to the other party.

Central Court Building

201 West Jefferson, 6th floor
Phoenix, Arizona 85003
(To Family Court Administration)

Northwest Court Complex

14264 West Tierra Buena Lane
Surprise, Arizona 85374
(To Judge's in-box)

Southeast Court Complex

222 East Javelina Drive, 1st floor
Mesa, Arizona 85210
(To Family Court Administration)

Northeast Court Complex

18380 North 40th Street
Phoenix, Arizona 85032
(To Judge's in-box)

4. **THERE IS A REVIEW PROCESS** upon receipt of your paperwork. This process can take as long as 4-6 weeks. You can call **(602) 506-1561** between the hours of 8:00 a.m. and 5:00 p.m. to check on the status of your case. Do not call until at least four **(4)** weeks after you dropped off your default papers.
5. **IF YOUR MOTION FOR A DEFAULT DECREE WITHOUT A HEARING IS ACCEPTED:** The Judicial Officer will sign the original ***"Decree"*** and have it filed with the Clerk of the Court. The court will send a copy of the ***"Decree"*** to each party using the envelopes you provided. This is your notification that your Divorce, Legal Separation or Annulment is final.

Things You Can Do to Speed Up the Process

- Make sure to fill out the ***"Decree"*** completely by marking all applicable boxes.
- Make sure the items asked for in the ***"Decree"*** are the same as the items asked for in the ***"Petition."***
- Make sure the ***"Decree"*** is signed and verified by the Petitioner only.
- **Provide your addressed, stamped envelopes with adequate postage.**

Arizona Rules of Family Law Procedure (ARFLP), Rule 44(B)1(b), allows for application for a default decree *without hearing* in Family Court cases not involving minor children, for divorce, legal separation, *and annulment*, but be **WARNED**:

- There are special legal requirements involved in qualifying for an annulment.
- If your court papers do not fully explain how you meet those requirements, it could result in your case being delayed or dismissed.
- Consulting an experienced attorney about whether your situation *and your papers* indicate you qualify for an annulment may help you to avoid unnecessary expense, delay, and disappointment.

Name of Person Filing: _____
Address: _____
City, State, Zip code: _____
Telephone Number: _____
Representing ☐ Self (Without a Lawyer) OR
Attorney for ☐ Petitioner OR ☐ Respondent

FOR CLERK'S USE ONLY

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

In the Marriage of

Case No. _____

Name of Petitioner

and

MOTION AND AFFIDAVIT FOR DEFAULT DECREE WITHOUT HEARING

(in cases without children) for

☐ DISSOLUTION OF MARRIAGE (Divorce)

☐ LEGAL SEPARATION

A.R.F.L.P. 44 (B)(1)(b)

Name of Respondent

I am the Petitioner and I am asking the court to enter a ***“Decree of Dissolution of Marriage” or of “Legal Separation”***, by default without a Court hearing. I have put a check mark in each box in front of the statements below that are true and I understand that if any statement is not true, I cannot get a default decree *without a hearing*.

- ☐ I have read this ***“Motion and Affidavit for Default Decree Without a Court Hearing”*** and to the best of my knowledge everything I have said is true.
- ☐ I have paid the filing and service fees or the filing and service fees have been waived or deferred. A copy of the receipt showing payment or a copy of the Order showing that the fees have been waived or deferred is attached.
- ☐ To the best of my knowledge, both Petitioner and Respondent are competent and sane.
- ☐ At least 60 days have passed since the Respondent was served with the dissolution or legal separation papers. Service was not done by publication.
- ☐ The Respondent has not made an appearance in this matter or filed a ***“Response.”*** I have filed the ***“Application for Default”*** and Default has been entered against the Respondent.
- ☐ At the time this action was filed, the Petitioner or the Respondent was domiciled in Arizona or was stationed in Arizona while a member of the United States Armed Forces. If this is an action for dissolution of marriage (divorce), the Petitioner or the Respondent was domiciled or stationed in Arizona for more than 90 days.
- ☐ Conciliation Services provisions have been met since the filing of the Petition for Dissolution of Marriage or the provisions do not apply. (A.R.S. 25-381.09).
- ☐ The marriage is irretrievably broken, or if for legal separation, the parties desire to live separate and apart.

Case No. _____

- ☐ There are no minor children, common to the parties, who were born before or during the marriage, or who were adopted by the parties during the marriage. The wife, to my knowledge, is not pregnant.
- ☐ Neither Petitioner nor Respondent has made a claim for spousal maintenance/support. A claim for spousal maintenance/support is deemed waived by both parties.
- ☐ All of the allegations, including those concerning property and debts listed in the ***"Petition" for "Dissolution of Marriage"*** or for ***"Legal Separation"*** were true at the time filed and remain true as of the date of the filing of this motion and affidavit, **OR any changes are explained below:**

- ☐ Everything in the ***"Petition for Dissolution of Marriage"*** or for ***"Legal Separation"*** concerning who gets the property and who pays the bills/debts is fair and reasonable. If applicable, attorney fees are itemized on the paper attached to this Motion and Affidavit.
- ☐ The relief to be awarded in the ***"Decree of Dissolution of Marriage"*** or for ***"Legal Separation"*** is the same as the relief I requested in the underlying ***"Petition"***, **OR** if the relief to be awarded is different, it has been approved by both parties, as reflected in the ***"Decree of Dissolution of Marriage"*** or for ***"Legal Separation"***, and signed by both parties.
- ☐ I have submitted along with this Motion and Affidavit, two (2) self-addressed stamped envelopes, one addressed to me and one addressed to my spouse, with enough postage for the Court to mail a copy of the Decree.

Therefore, I request this court to sign the attached Decree.

OATH OR AFFIRMATION

I swear or affirm that the information on this document is true and correct under penalty of perjury.

Signature

Date

Printed Name

My Commission expires: _____
(or Seal, below)

Deputy Clerk or Notary